

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

UNITED STATES OF AMERICA

VS.

ANWAR PRATER,

Supervised Releasee

NO. 5: 06-CR-41 (CAR)

RE: SUPERVISED RELEASE VIOLATIONS

ORDER FINDING PROBABLE CAUSE AND FOR DETENTION

ANWAR PRATER, a SUPERVISED RELEASEE in the above-styled criminal proceeding, this day appeared before the undersigned for a hearing under provisions of Rule 32.1 of the Federal Rules of Criminal Procedure on an AMENDED PETITION FOR ACTION ON SUPERVISED RELEASE. He was advised of the nature of the proceedings against him and reminded of his legal and constitutional rights.

Mr. Prater had appeared before the undersigned on April 24, 2008, on a PETITION FOR ACTION ON SUPERVISED RELEASE at which time he waived a preliminary hearing under Rule 32.1 of the Federal Rules of Criminal Procedure. Thus, there was *probable cause* to believe that the SUPERVISED RELEASEE had violated conditions of supervised release as alleged in the petition, to-wit: by using cocaine on or about June 12th, July 16th, July 27th of 2007, and March 28, 2008. However, rather than detaining Mr. Prater at that time, the undersigned was persuaded to release him from custody subject to continued supervision in order to permit him to prepare for and take his final exams at Fort Valley State University. Mr. Prater's supervising officer at the United States Probation Office was directed to immediately advise the undersigned of any further illegal drug usage by the SUPERVISED RELEASEE.

Accordingly, U. S. Probation Officer Todd D. Garrett advised the court of an allegation of new drug usage occurring on or about May 19, 2008. United States District Judge C. Ashley Royal on May 23, 2008, directed that a bench warrant be issued directing that Mr. Prater be taken into custody to appear before the court to answer this allegation.

On May 27, 2008, SUPERVISED RELEASEE Prater appeared before the undersigned for an initial appearance/preliminary hearing on the AMENDED PETITION FOR ACTION ON SUPERVISED RELEASE represented by Ms. Nicole Williams of the Federal Defender's office. The United States was represented by Assistant U. S. Attorney Michael T. Solis who moved for Mr. Prater's detention pending a Final Revocation hearing scheduled before Judge Royal on June 3, 2008. At said detention hearing, Mr. Prater, through counsel, denied using cocaine or any other illegal drugs since his last hearing before the undersigned on April 24th.

The undersigned heard testimony from U. S. Probation Officer Garrett in which he advised that he and U. S. Probation Officer Donald Coneway made a home visit to Mr. Prater on May 19, 2008, at which time a urine screen was conducted. That screen resulted in a presumptive positive for the presence of cocaine. Subsequent laboratory testing confirmed the presence of cocaine in the SUPERVISED RELEASEE's urine. The undersigned accepted into evidence without objection Government's Exhibit #2, a chain of custody form, and Government's Exhibit #3, the laboratory results.

Testifying on behalf of Mr. Prater was Ms. Samaria Johnson Bailey, a lab manager supervisor from the Peach Regional Medical Center. Ms. Bailey testified that on May 19, 2008, around 6:00 P.M., she had personally conducted a laboratory test at the request of the SUPERVISED RELEASE for the purpose of determining whether he had used any illegal substances. However, Defendant's Exhibit #1, a copy of the test results report, was objected to by counsel for the government on grounds that the report did not contain a print-out of all information coming from the laboratory testing machine. The undersigned sustained the government's objection, and Defendant's Exhibit #1 was not admitted into evidence.

Upon consideration of all of the evidence and argument presented at *both* the April 24th and the May 27th hearings, the undersigned finds (1) that there is probable cause to believe that SUPERVISED RELEASEE Prater used cocaine on or about June 12th, July 16th, July 27th of 2007, and March 28, 2008 as alleged in the [original] PETITION FOR ACTION ON SUPERVISED RELEASE; and, (2) that there is probable cause to believe that SUPERVISED RELEASEE Prater used cocaine on or about May 19, 2008, as alleged in the AMENDED PETITION FOR ACTION ON SUPERVISED RELEASE.

Under the foregoing circumstances, the undersigned finds that detention pending the Final Revocation Hearing is both necessary and appropriate. SUPERVISED RELEASEE Prater has demonstrated a propensity to engage in illegal activity while under supervision, constituting a danger to the community were he permitted to remain on release. Accordingly, ANWAR PRATER is hereby committed to the custody of the United States Marshal for the Middle District of Georgia to be afforded reasonable opportunity for private consultation with defense counsel. He shall next appear before Judge Royal on June 3, 2008, at the time ordered by Judge Royal.

SO ORDERED AND DIRECTED, this 27th day of MAY, 2008.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr." The signature is fluid and cursive, with the first name "Claude" being the most prominent.

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE